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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,831	01/11/2002	Nicholas Guy Clarke	S1011/20128	1167

7590 03/09/2004

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EXAMINER
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CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/043,831

Applicant(s)

CLARKE ET AL.

Examiner

Robert J Canfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/5/03</u> . | 6) <input type="checkbox"/> Other: _____  |

1. This Office action is in response to the amendment filed 12/05/03. Claims 1-21 have been canceled. Claims 22-33 are pending.
2. The examiner acknowledges receipt of the supplemental IDS received 12/05/03. An initialed copy of the 1449 form is attached.
3. Claim 22 is objected to because of the following informalities: "the frame" at the last line should read - - the framework - - to use consistent language. Appropriate correction is required.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22, 23 and 25-33 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 3,546,841 to Smith et al. or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 3,546,841 to Smith et al. in view of GB 2,315,292.

Smith provide a door and method of forming a door comprised of a core 24 of rigid plastic material such as open or closed cell polyurethane (column 3, lines 40+), a framework 20 which may be made of extruded plastics (column 3, line 38), pultrusion being a form of extrusion, and plastic surface skins 22 and 23. Frame pieces 29, 30, 32 and 33 have arm portions 36 and 37 connected to a base portion 38. As adhesive is applied between the arms 36 and 37 and the skins at 39 and 40 it can be argued that the arms inherently meet the limitation "shaped to receive and retain set adhesive". Figure 3 shows an embodiment with a frame member having a recess 38a. Figure 4 shows an embodiment where the length has a hollow at approximately 45.

Alternatively, GB 2,315,292, teaches that is was known at the time of the invention to provide grooves 9 as a means for to receive and retain adhesive in the same environment so as to accommodate excess adhesive. It would have been obvious at the time of the invention to one having ordinary skill in the art to have provided the arms portions 36 and 37 of Smith with grooves 9 separated by ridges as taught by GB 2,315,292 to receive and retain the adhesive as well as accommodate any excess adhesive.

7. Claims 22–33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,546,841 to Smith et al in view of GB 2,315,292.

Smith provide a door and method of forming a door comprised of a core 24 of rigid plastic material such as open or closed cell polyurethane (column 3, lines 40+), a framework 20 which may be made of extruded plastics (column 3, line 38), pultrusion being a form of extrusion, and plastic surface skins 22 and 23. Frame pieces 29, 30, 32 and 33 have arm portions 36 and 37 connected to a base portion 38. As adhesive is applied between the arms 36 and 37 and the skins at 39 and 40. Figure 3 shows an embodiment with a frame member having a recess 38a. Figure 4 shows an embodiment where the length has a hollow at approximately 45.

GB 2,315,292, teaches that it was known at the time of the invention to provide grooves 9 as a means for to receive and retain adhesive in the same environment so as to accommodate excess adhesive. It would have been obvious at the time of the invention to one having ordinary skill in the art to have provided the arms portions 36 and 37 of Smith with grooves 9 separated by ridges as taught by GB 2,315,292 to receive and retain the adhesive as well as accommodate any excess adhesive.

The GB patent also teaches that it was known at the time of the invention to provide an extension portion 10 having recess 11 for a seal. It would have been obvious at the time of the invention to one having ordinary skill in the art to have

provided a base portion of a frame member of Smith with an extension portion having a recess for seal in order to easily attach a weather seal to the frame member as taught by the GB patent.

8. Claims 22 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,138,435 to Kocher et al.

Kocher provides a method of forming a sandwich panel which could inherently be used as a door comprised of a body of synthetic foam (col. 4, line 25+) attached to lengths of plastic (col. 4, line 10+) [pultrusion being a known form of extrusion] forming a peripheral frame having side walls 1, 2, having outer faces with grooves 9 separated by ridges for receiving adhesive for bonding outer skins thereto. Claim 33 is considered to be drawn to the length alone with the conditional language "being located between said foam body and facing door skins when said length is formed into a door" only being an intended use.

Kocher provides all of the positively recited structure of the length of claim 33 as in capable of being used as recited in the claim. Kocher also teaches providing the lengths with hollows at approximately 41.

9. The examiner notes that applicant failed to challenge the Official Notice taken in the previous Office action where the examiner stated cores of synthetic, structural density, foam, more particularly one of polyurethane, polyester, vinylester, epoxy or

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phenolic foam were well known in the composite panel and door arts. As such these cores are now considered admitted prior art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Canfield  
Primary Examiner  
Art Unit 3635

